

REMARKS

The allowable nature of claims 4-8 is acknowledged. As a result, claims 4 and 5 have been rewritten in independent form. Claims 9-12 have been cancelled, and claims 3 and 7 have been amended to obviate the rejection under 35 U.S.C. § 112 based on the use of the word "can" found objectionable by the Examiner. Thus, claims 4-8 are in condition for allowance.

It is also believed that claims 1-3 are in condition for allowance. Independent claim 1 has been rejected under 35 U.S.C. § 102 based on either Edwards et al. U.S. Patent No. 6,086,340, Brown U.S. Patent No. 4,636,149, or McNaull et al. U.S. Patent No. 6,758,657. However, in the Examiner's analysis of claim 1 vis-a-vis these references, the fact that the structure acts as a pump and as a valve has been ignored. Specifically, all of these references include structure and teaching relating to the pumping of fluid, and none of them disclose operation of the entire system as a valve. Thus, the claim language, "a drive member selective operable to either...[pump]...or to position said plunger to allow fluid from said fluid inlet to pass through said valve assembly and into said pump chamber and to allow fluid from said pump chamber through said valve assembly and out said fluid outlet" has been ignored by the Examiner and is not taught by the references.

Thus, the device of the Applicant can act as a pump or a valve, and one feature which contributes to this concept is that a single valve assembly is positioned both between the fluid inlet and the pump chamber and between the pump chamber and the fluid outlet. In all of the references, the Examiner points to two separate valves in an attempt to anticipate the structure of the Applicant, that is, 25 and 27 of Edwards et al., 32 and 36 of Brown, and 21 and 21 of McNaull et al. Claim 1 has been amended to make it clear that there is a single valve assembly positioned in both fluid paths. In all of the references there is a separate valve in each path.


In view of the foregoing discussion, it is believed that claims 1-3 are in condition for allowance. Reconsideration by the Examiner and the issuance of a formal Notice of Allowance is respectfully requested.

Although two new independent claims have been added, this application still has only three independent claims and eight claims in total.

Thus, it is believed that no fee is required. But if a fee is required, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 18-0987.

If any issues remain after this amendment, a telephone call to the undersigned would be welcomed.

Respectfully submitted,



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July 17, 2007